

**UNITED STATES DEPARTMENT OF TRANSPORTATION
BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

DEPT. OF TRANSPORTATION
DOCKETS

2006 MAR 26 P 2:10

In the Matter of:

Alfonso Gonzales
4125 Frog Knob Rd.
Norwood, MO 65717

Case No.: MO-2006-0126-US1077

**REPLY TO NOTICE OF CLAIM
AND
REQUEST FOR HEARING**

Alfonso Gonzales (the Respondent) hereby replies to the referenced Notice of Claim (NOC) and requests a formal hearing pursuant to 49 C.F.R. § 386.14(d)(1)(iii)(C).

RESPONSE TO CHARGES

Respondent denies that the log he turned in to Transland, Inc. for the date referred to in Charge #1 in the Statement of Charges was false.

DEFENSES AND FACTS IN DISPUTE

Respondent does not know, and therefore denies, that the log examined during a compliance review of Transland, Inc. was the log that he turned in for the date in question. Respondent demands that the Claimant be required to clearly establish the chain of custody of the log and all records that the Claimant maintains show that the log is false.

Respondent requests that all records that Claimant's agent compared with his log be produced.

Charge #1 alleges that Respondent's log is false because it conflicts with a time and location where Transland's "Mobile Max GPS 'pinged'." Respondent does not know

what is meant by "pinged." Respondent demands that the Claimant prove, with evidence that meets the requirements of 49 C.F.R. Part 386, that the "ping" in question is so accurate that it must override the certification by the Respondent, required by 49 C.F.R. § 395.8(f)(7), that his log is accurate.

Respondent believes, and therefore asserts, that Transland's Mobile Max GPS system does not meet the requirements for an automatic on-board recording device described in 49 C.F.R. § 395.15(b)(3). If the system cannot be used in place of logs, logic indicates that it is not sufficiently accurate to prove a log is false. The GPS evidence should not be considered.

In addition to the foregoing, the GPS data, used to audit the Respondent's log, was obtain through the use of an invalid subpoena.

May 5, 2006

Respectfully submitted,



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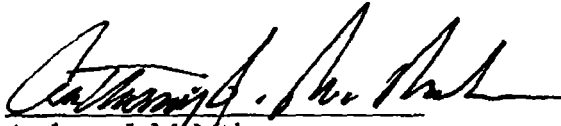
Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that the accompanying document was served on those listed below, by U.S. mail, on May 5, 2006.

Joseph R. Boyd
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